SINGLE BENCH

(1)

IN THE HIGH COURT OF CHHATTISGARH AT

BILASPUR

Writ Petition NO. 2261 /2005

PETITIONER : Laxmi Bai Rajput
Aged about 37 years
D/o. Keju Singh &
W/o. Chandrawan Thakur
R/o. Vill. Kalegondi, at present
R/o. Vill.- Bijabhata, P.S.Kunda
Tah. Pandariya,Dist. Kabirdham
(C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through The secretary
Home Ministry
D.K.S. Building, Raipur
District Raipur (C.G.)

2. Inspector General of Police
Raipur (C.G.)

3. The Collector
District -Rajnandgaon (C.G.)

4. Station House Officer
Police Station Gandai,
District-Rajnandgaon (C.G.)

5. Girwar, S/o. Banau aged about -45 yrs.
Caste-Shikari,

6. Prakash, S/o. Keju Singh
Respondent No.5 to 6 R/o.
Vill. Kalegondi, P.S. Gandai
Sub-Tahsil Gandai, District
Rajnandgaon (C.G.)

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WRIT PETITION U/A 226/ 227 OF THE

CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ...WP 2261/05... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15.6.2005

Mr. Ashok Mishra, counsel for the petitioner.

Mr. Bhaskar Pyasi, P.L. for the State.

By this petition the petitioner seeks relief that Station House Officer, Police Station- Gandai be directed to register a criminal case against respondent No.5 & 6, to provide safety to the petitioner and to seize the paddy taken by respondent No.5 & 6.

The petitioner's case is that he is the owner of land bearing Khasra No.39/4, 235/3 & 321/2 situated in Village Kalegondi, P.C. No.14. On 12.7.2004 respondent No.5 & 6 took away the crop of the petitioner against which he made a complaint to respondent No.4-SHO, Collector & Inspector General of Police but no action has been taken and respondent No.5 & 6 are continuously looting the crop of the petitioner.

I have heard learned counsel for the parties.

The petitioner has got efficacious alternative remedy to avail and if any criminal act is being committed by respondent No.5 & 6 and respondent No.4 & police authorities are not taking any action in that case the petitioner is entitled to move concerned Magistrate Court by filing a complaint and request the Magisterial Court for directing the police to register the case and investigate into the criminal case under Section 156(3) of the Cr.P.C. Even under Section 200 of the Cr.P.C. the petitioner is entitled to file the complaint.

Therefore, in the circumstances I am of the opinion that the petitioner has not been able to make out a case for invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India . Accordingly, the petition is liable to be dismissed and same is dismissed.

Consequently, M.(W.)P. No.1819/05 also stands dismissed.

Sd/-
L.C.Bhadoo
Judge